



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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## **Memorandum**

**Date:** March 18, 2022

**To:** Richard Conescu, Chair, & Members, Zoning Board of Adjustment

**From:** Timothy J. Thompson, AICP, Community Development Director

**Subject:** **Ronald W Ketchie & Linda M Ketchie (petitioners/owners)** – Variance under Section 3.02 of the Zoning Ordinance to permit an existing two-family residence to remain in the R-1 (Residential, by soils) District whereas only single family residences are permitted. The parcel is located at 6 Brookside Drive in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6C, Lot 21. Case #ZBA 2022-05.

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The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

### **Background**

The subject parcel, Map 6C, Lot 21, is approximately 0.831 acres in size and is located at 6 Brookside Drive in the R-1 (Residential, by soils) and Aquifer Conservation Districts. The site is currently a non-conforming 2 family dwelling. The lot is abutted by other single family residential uses. The site has access to water from Merrimack Village District and private septic.

A building permit was issued in 1970 for a two-family dwelling, however the Zoning Ordinance at the time did not allow for a two-family dwelling on the lot, nor does it today. The previous owner should have been instructed to seek a variance, but was instead issued building permits and the current owner is now trying to correct the violation that was created by the Building Department through its issuance of permits, in order to refinance their mortgage. Staff notes that had this been a dimensional violation and not a use violation, it would have qualified for an Equitable Waiver under State law. Unfortunately, Equitable Waivers cannot be applied to a use violation.

The petitioner seeks to permit the 2 family dwelling to remain in the R-1 District where only single family homes are permitted.

### **Standard of Review**

It is the burden of the petitioner to demonstrate that the five criteria for the granting of the variance under Section 3.02 of the Zoning Ordinance to permit to permit an existing two-family residence to remain in the R-1 (Residential, by soils) District whereas only single family residences are permitted, are met.

Ec: Ronald W Ketchie & Linda M Ketchie, Petitioners/Owners

Building Department Staff  
John Manuele, Fire Marshal  
Merrimack Village District  
Cc: Zoning Board File